

HARPENDEN TOWN COUNCIL

STANDING ORDERS

Adopted: 8 May 2017

Amended: 26 June 2017

1. Meetings generally

- Full Council meetings
- Committee meetings
- Sub-committee meetings

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- ■ d. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed (15) minutes unless directed by the chairman of the meeting.
- g. Subject to standing order 3(f) above, a member of the public shall not speak for more than (3) minutes.
- h. In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.

- i. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
-   l. **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
-   m. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  n. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
-  o. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
-    p. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
-    q. **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
See standing orders 2.9– 2.12 below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- r. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- s. The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

  t. **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

 u. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 9 below for the quorum of a committee or sub-committee meeting.

  v. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

2. Ordinary Meetings of the Council

- 2.1. Meetings of the Council shall be held in the Council Chamber of the Town Hall at 7.30pm unless an alternative date and time be agreed at a previous Council meeting.
- 2.2. **In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the new councilors elected take office.**
- 2.3. In a year which is not an election year; the Annual Meeting shall normally be held on the second Monday in May. The dates of this or other meetings may be changed by resolution of the Council at an earlier meeting.
- 2.4. **In addition to the Annual Meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.** Additional meetings shall be held on such other days as may be included in the programme as approved by the Council.
- 2.5. An Ordinary meeting of the Council may be called or cancelled by the Mayor (or in his/her absence for a period of more than three clear working days by the Deputy Mayor) through urgency or lack of items respectively.
- 2.6. Only the official signed minutes of any Council meeting will be recognised as the formal, statutory and legally binding record of the meeting.

- 2.7. The Town Mayor of the Council shall preside at all meetings of the Council and shall exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- 2.8. **The first business conducted at the Annual Meeting of the Council shall be the election of the Town Mayor and Deputy Mayor of the Council.**
- 2.9. **The Town Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next Annual Meeting of the Council.**
- 2.10. **The Deputy Mayor, unless they resign or become disqualified, shall hold office until immediately after the election of the Town Mayor at the next Annual Meeting of the Council.**
- 2.11. **In an election year, if the current Town Mayor has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.**
- 2.12. **In an election year, if the current Town Mayor has been re-elected as a member of the Council, they shall preside at the meeting until a new Town Mayor has been elected. They may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.**
- 2.13. Following the election of the Town Mayor and Deputy Town Mayor at the Annual Meeting of the Council the business shall include:
- a) **In an election year, delivery by the Town Mayor and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Town Mayor of their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - b) Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - c) Receipt of the minutes of the last meeting of a committee;
 - d) Consideration of the recommendations made by a committee;
 - e) Review of the terms of reference for committees;
 - f) Appointment of members to existing committees;
 - g) Appointment of any new committees in accordance with standing order 3.1
 - h) Review and adoption of appropriate standing orders and financial regulations;
 - i) Review of representation on or work with external bodies and arrangements for reporting back;
 - j) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future
- 2.14. At every meeting, other than the Annual Meeting, the first business shall be to appoint a Chairman for that meeting if the Town Mayor and Deputy Town Mayor are both absent, and to receive such declarations of acceptance of office as are required by law or to decide when they shall be received.

2.15. After the first business has been completed, the order of business, unless the Chairman of the meeting otherwise decides on the grounds of urgency shall be as follows:

- a. Disclosures of interest
- b. To read and consider the Minutes; provided that if a copy of such minutes has been circulated to each Member not later than the date of issue of the summons to attend the meeting, the Minutes may be taken as read;
- c. After consideration to approve the signature of the minutes by the Chairman as a correct record
- d. To deal with business expressly required by Statute to be done;
- e. To dispose of business, if any, remaining from the last meeting
- f. To receive such communications as the Chairman of the meeting may wish to lay before the Council
- g. To answer questions previously submitted in writing by Members to the Chairman;
- h. Other business, if any, not specified in the summons which in the opinion of the Chairman should “because of exceptional circumstances” be considered as a matter of urgency
- i. To receive and consider reports of Committees, Sub-Committees, Working Parties and Forums;
- j. To receive reports from representatives of the Council serving on outside bodies;
- k. To receive and consider correspondence and reports from Officers of the Council;
- l. To authorise the sealing of documents;
- m. To consider motions in the order in which they have been notified.

2.16. A motion to vary the order of business on the grounds of urgency(a) may be proposed by the Chairman or by any Member and, if proposed by the Chairman, may be put to the vote without being seconded, and(b) shall be put to the vote without discussion.

3. Standing Committees, sub-committees and working parties

- 3.1. The Council shall, at its Annual Meeting, appoint Standing Committees, Sub-Committees and Working Parties as are deemed necessary to effectively discharge the Council’s business, and ratify membership of these bodies.
- 3.2. The Council may, at any other time, appoint such other Committees, Sub-Committees, Working Parties and Forums as are deemed necessary.
- 3.3. **Unless the Council determines otherwise, a standing committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 3.4. **The members of a standing committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- 3.5. **Unless the Council determines otherwise, all the members of a standing committee and a sub-committee may be non-councillors.**
- 3.6. The Council may appoint standing committees, sub committees and working parties as may be necessary, and:
 - a. shall determine their terms of reference;
 - b. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of Full Council;
 - c. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - d. shall appoint and determine the terms of office of members of such a committee;

- e. may appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer before the meeting that they are unable to attend;
- f. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- g. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- h. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
- i. shall determine if the public may participate at a meeting of a committee;
- j. shall determine if the public and press are permitted to attend the meetings of a sub-committee and working party also the advance public notice requirements, if any, required for the meetings of a sub-committee;

4. Proportionality of Committee Membership

- 4.1. The membership of each Committee, sub-committee and Working Party shall be in proportion to the political composition of the Council, rounded to the nearest whole number. If calculation shows the representation by a political group or independent Member(s) to be less than one, the actual representation by the group or Member(s) shall be the subject of negotiation between the group or Member(s) and the other political groups of the Council.

5. Tenure of Office

- 5.1. Membership of Committees, sub-committees and Working Party shall cease immediately prior to the next Annual Meeting of the Council, at which new positions of membership shall be determined.

6. The Town Mayor and Deputy Mayor as Committee, Sub-Committee or Working Party

- 6.1. The Town Mayor and Deputy Mayor shall be ex-officio Members of every Committee, Working Party and Forum and have full voting rights thereon.

7. Chairmen and Vice Chairmen

- 7.1. The Chairmen and Vice Chairmen of all Committees, Sub-Committees and Working Parties shall be nominated by the controlling political group for approval by the Council. If there is no overall political control of the Council, the positions of Chairman and Vice Chairman shall be the subject of negotiations between the political groups and any independent Member(s). The Chairman of a Standing Committee cannot be the Chairman of a sub-committee or working party reporting to the Standing Committee

8. Co-option to Committees, Sub-Committees and Working Parties

- 8.1. A Committee, after reference to and approval by Council, may invite any person to attend its meetings and take part in its business, but without the right to vote. This shall be for the municipal year of the Council, or part thereof. There may be circumstances where the Chairman wishes to test the opinion of co-opted members on a particular subject. Where co-opted members are invited to express their view

by a show of hands, the Chairman shall make it clear that the outcome is not binding on the Council.

- 8.2. A Working Party, after reference to and approval by its Standing Committee, make a similar arrangement and co-opt to its meetings under the same conditions.

9. Quorum of Committees, sub-committees and Working Parties

- 9.1. Except where ordered by the Council in the case of a Committee, sub-committee or working party, the quorum of a Committee shall be one-half of its members or not less than three, whichever is the greater.

10. Dissolution of Committees, Sub-Committees and Working Parties

- 10.1. The Council may dissolve any Committee, Sub-Committee or Working Party or alter the membership of the body.

11. Committee, Sub-Committee and Working Party Debates

- 11.1. The Standing Orders on rules of debate for meetings of the Council, except for the provision relating to not speaking more than once, shall apply to meetings of Committees, Sub-Committees and Working Parties in so far as they are appropriate.

12. Delegated Powers

- 12.1. Any Standing Committee shall have delegated powers to resolve all matters which fall within the terms of reference of that particular Committee.

13. Change Of Policy

- 13.1. Should a Committee propose to resolve a matter which is not in accordance with the policy of the Council, the Town Clerk shall table this matter at a Full Council meeting for further discussion.

14. Chairman's Rights

- 14.1. The Chairman and Vice Chairman of a Committee shall be a Member of every Sub-Committee and Working Party appointed by that Committee, unless he signifies that he or she does not wish to serve.

15. Rights of Non-Members of Committees Attending Committee Meetings

- 15.1. Any Member of the Council shall, unless the Council otherwise orders, be entitled to be present at meetings of any Committee, Sub-Committee or Working Party of which they are not a member, but shall not vote and shall only speak with the permission of the Chairman.

- 15.2. The provision for substitute members to attend any Committee, Sub-Committee or Working Party and participate as a full member of that meeting shall be granted, subject to:

- a. the Councillor seeking a substitute must notify the Clerk prior to the meeting that they are unable to attend.

- b. the Councillor being substituted must nominate the substitute Councillor and notify the Clerk prior to the meeting.
 - c. the nominated substitute must be contacted by the Councillor unable to attend.
 - d. all arrangements must be made between the two Councillors in respect of attendance at the meeting.
- 15.3 Where a member has notified the Clerk of a substitute member the following will be proceeded at that meeting of the Committee or Working Party:
- a. at the start of any meeting for which a substitution has been arranged in accordance with these rules, the Clerk (or their representative), shall announce that the absent member apologies for their absence and that the named Councillor has been appointed to serve as their substitute.
 - b. if the absent member is subsequently able to attend a meeting for which a substitute has been appointed and they are present for the start of the meeting and before the announcement has been made then, with the agreement of the nominated substitute, they can be re-instated and take part in the meeting. The substitute member may remain at the meeting and speak, but not vote.
 - c. if the absent member is subsequently able to attend a meeting for which a substitute has been appointed, but arrives after the meeting has opened and the announcement been made as above, they shall be entitled to attend the meeting and speak, but not vote.

17. Extraordinary meetings of the Council, committees, sub-committees and working parties

- 17.1. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- 17.2. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- 17.3. The chairman of a committee, sub-committee or working party may convene an extraordinary meeting at any time.

18. Previous resolutions

- 18.1. A decision of the Council shall not be reversed within 6 months, except by a special resolution, the written notice whereof bears the names of at least 6 Members of the Council, or by a resolution moved in pursuance of the report or recommendation of a Committee.
- 18.2. When a special motion or any other motion moved, no similar motion may be moved within a further six months

19. Notices of motions

- 19.1. Except as provided by these Standing Orders, no motion may be moved unless the mover has given a signed notice in writing of its terms and has delivered the notice to the Town Clerk not later than seven clear working days before the meeting of the Council.
- 19.2. The Town Clerk shall date and number every notice of motion in the order in which it is received by him.
- 19.3. The Town Clerk shall insert in the summons for every meeting all notices of motion properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing, prior to the sending of the Summons, that he intends to move it at some later meeting or that he withdraws it.
- 19.4. If a motion specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 19.5. If the subject matter of a motion comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or such other Committee as the Council may determine for report. The Chairman may, however, if he considers it to be of a matter of urgency, allow such motion to be dealt with at the meeting at which it is moved.
- 19.6. Every motion shall be relevant to some question over which the Council has power or duties which affects its area.

20. MOTIONS MOVED WITHOUT NOTICE

- 20.1. Motions dealing with the following matters may be moved without notice:
 - (a) To appoint a Chairman of the meeting;
 - (b) To correct the minutes;
 - (c) To approve the minutes;
 - (d) To alter the order of business;
 - (e) To proceed to the next business;
 - (f) To close or adjourn the debate;
 - (g) To adjourn the meeting;
 - (h) To refer a matter to a Committee;
 - (i) To appoint a Committee or any member thereof;
 - (j) To adopt a report;
 - (k) To authorise the sealing of documents;
 - (l) To amend a motion;
 - (m) To give leave to withdraw a motion or an amendment;
 - (n) To extend the time limit for speeches;
 - (o) To consider otherwise than in Committee a question affecting an employee of the Council;
 - (p) To exclude the public and press in accordance with the Public Bodies (Admission to Meetings) Act 1960 as amended by the Local Government Act 1972;
 - (q) To silence or eject from the meeting a member named for misconduct;
 - (r) To invite a member having an interest in the subject matter under debate to remain;

- (s) To give the consent of the Council where such consent is required by these Standing Orders;
- (t) To suspend any Standing Order in accordance with Standing Order 57.

21. RULES OF DEBATE

- 21.1. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman. There shall be no discussion of matters arising from the Minutes, but an action note on the progress of resolutions in the Minutes shall be included in the minutes, but not be open for discussion at the meeting.
- 21.2. A motion or amendment shall not be discussed unless it has been proposed and, unless proper notice has been given, it shall, if required by the Chairman, be submitted in writing to him before it is discussed or put to the meeting. The motion shall not be further discussed until seconded.
- 21.3. A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until later in the debate.
- 21.4. A member shall direct his speech to the question under discussion, to a personal explanation or to a question of order.
- 21.5. No speech by a mover shall exceed 5 minutes; no other speech shall exceed 3 minutes except by the consent of the Chairman.
- 21.6. An amendment shall be either:
 - (i) to leave out words;
 - (ii) to leave out words and insert or add words; or
 - (iii) to insert or add words.
- 21.7. An amendment shall not have the effect of negating the motion before the Council.
- 21.8. If an amendment is carried, the motion as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 21.9. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 21.10. The mover of a motion or of an amendment shall have a right of reply
- 21.11. A member, except as provided in the previous clause, shall not without leave of the Chairman, speak more than once on any motion except to move an amendment or on an amendment, or on a point of order, or in personal explanation, as in the following clause or to move the closure.
- 21.12. A member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member rising for these purposes shall be heard at once.
- 21.13. A motion or amendment may be withdrawn by the proposer with the consent of the Chairman, which shall be signified without discussion and no member may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused.

21.14. When a motion is under debate no other motion shall be moved except the following:

- a. To amend the motion;
- b. To proceed to the next business;
- c. To adjourn the debate;
- d. That the question be now put;
- e. That the member named be not further heard;
- f. That a member named do leave the meeting;
- g. That the motion be referred to a Committee;
- h. To exclude the public or the press or both;
- i. To adjourn the meeting.

21.15. The order of speaking shall be determined by the Chairman. If two or more members indicate a desire to speak by raising their hands the Chairman shall determine the order in which the members will be heard.

21.16. Members shall address the Chairman.

21.17. The Chairman's ruling on points of order or personal explanations is final and shall not be discussed.

21.18. A member shall stand when speaking unless permitted by the Chair to sit on account of infirmity.

22. Public speaking at meetings of the council and its committees

22.1. Mayor or Chairman of a committee will invite members to suspend Standing Orders whilst residents are invited to raise questions or make observations at meetings of the Council and of its Committees, other than meetings concerned with planning applications, subject to the following provisions:

- a. A question must address a specific agenda item or be relevant to the activities, functions, powers or duties of the Council and in any case must be relevant to the delegated functions attributed to the meeting;
- b. The asking of a question shall last for no more than three minutes;
- c. A resident shall be allowed to speak on one occasion only at any meeting; or more at the discretion of the Chairman.
- d. The total time allocated to public questions at any one meeting shall not exceed 15 minutes; at the discretion of the Chairman.
- e. A resident wishing to ask a question at Council must notify the Town Clerk of his or her intention to do so by no later than midday on the Friday preceding the meeting;
- f. The Chairman's ruling shall not be questioned;
- g. The use of audio and video recording equipment by members of the public shall not be allowed, without the consent of the Chair. A request to use audio or video recording equipment at a meeting of the Council must be made to the Town Clerk by no later than midday two clear working days preceding the meeting. Following consideration by the Town Clerk and Chair the requestor will be advised of the decision by midday on the day proceeding the day of the meeting.

23. Public speaking at meetings of the planning committee

- 23.1. At meetings of the Planning Committee, the provisions of Standing Order 22 apply, except that:
- a. A person who is not a resident may speak.
 - b. There shall be no limit to the number of speakers at a particular meeting, but the number of speakers per planning application shall normally be limited to two, one in favour of the application and one against;
 - c. A speech may last no longer than three minutes;
 - d. A person wishing to speak at a meeting of the Planning Committee should notify the Town Clerk of his intention to do so by no later than 2.00pm on the day of the meeting;
 - e. The chairman of the meeting shall have discretion to allow people to speak even though prior notice has not been received

24. Disorderly conduct at meetings

- 24.1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- 24.2. If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- 24.3. If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

25. Handling confidential or sensitive information

- 25.1. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- 25.2. Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

26. Code of Conduct and Dispensations

- 26.1. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 26.2. Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in

which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which he had the interest.

- 26.3. Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which he had the interest.
- 26.4. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 26.5. A decision as to whether to grant a dispensation shall be made by the Proper Officer.
- 26.6. A dispensation request shall confirm:
- a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - c. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - d. an explanation as to why the dispensation is sought.
- 26.7. Dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- 26.8. **A dispensation may be granted in accordance with standing order 26.6 above if having regard to all relevant circumstances the following applies:**
- a. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - b. **granting the dispensation is in the interests of persons living in the Council's area or**
 - c. **it is otherwise appropriate to grant a dispensation.**

27. Code of Conduct Complaints

- 27.1. Upon notification by the District or County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 25, report this to the Council.
- 27.2. Where the notification in standing order 27.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- 27.3. The Council may:

- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

27.4. Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

28. Questions

28.1. A member may ask the Chairman of the Council or any committee or the Town Clerk any question concerning the business of the Council.

28.2. A Member, with or without notice, may ask the chairman of a committee any question upon the proceedings of the committee then before the Council, as long as the question is put before the Council's consideration of the subject in question is finished.

28.3. Every question shall be put and answered without discussion.

28.4. A member to whom a question has been put may decline to answer unless one week's prior notice is given of the question to be asked. If no notice is given then a reply must be forwarded within one week and the reply must be circulated to Members of the Council or relevant committee with the minutes of the meeting at which the question had been asked.

28.5. A member may, with the permission of the Chairman, put to him or the chairman of a committee or the Town Clerk any question relating to urgent business to which notice has not been given, but any such question shall be delivered to the Town Clerk not later than 10am on the day of the meeting.

29. Apologies

29.1. It is a requirement that apologies be presented for consideration at a meeting. In order for the meeting to determine a decision, the reason for absence has to be presented. Whilst the recording of the decision when accepting the apology does not have to be minuted this is not the case when refusing an apology. The minute must reflect this reason as the 6 month attendance ruling will apply and the decision may be relied upon to confirm a future judgement.

29.2. The reason for the absence must be known to the meeting and recorded by an affirmative resolution. As such the minutes of the meeting will reflect the decision of the meeting and in the event that apologies have not been accepted, the reason.

29.3. A means of negotiating absence is through the use of a substitute. The Town Council has made allowance for this and has included it in Standing Order 15. It is recognised that attendance at a meeting or event as the representative of the Council is an acceptable reason for an apology.

30. Proper officer

- 30.1. The Proper Officer shall be either (a) the Town Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

The Proper Officer shall:

- i. **At least three clear days before a meeting of the Council, a committee, a sub-committee and a working party serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
- ii. **Give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee, a sub-committee and working party (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them);**
- iii. Subject to standing order 19 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- iv. **Convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- v. Facilitate inspection of the minute book by local government electors;
- vi. **Receive and retain copies of byelaws made by other local authorities;**
- vii. Retain acceptance of office forms from councillors;
- viii. Retain a copy of every councillor's register of interests;
- ix. Assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. Manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xii. Arrange for legal deeds to be executed;
- xiii. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

31. Voting

- 31.1. Members shall vote by show of hands or, if a member so requests, by recorded vote.
- 31.2. If 2 members so require, the Town Clerk shall record in the minutes the names of the members who voted and show how they voted on a particular matter.
- 31.3. Subject to (2) and (3) below the Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he/she gave no original vote.

- (2) If the person presiding at the Annual Meeting would have ceased to be a

Member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman.

- (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

32. Voting on appointments

- 32.1. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

33. Discussions and resolutions affecting employees of the council

- 33.1. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has excluded the public and the press. Consideration of the conditions of employment of the Council employees shall take place at least once during the Council year.

34. Responsible Financial Officer

- 34.1. The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. Further details can be found in our financial regulations.

35. Resolutions on expenditure

- 35.1. In consultation with the Mayor or Deputy Mayor or Chair or Vice chair of a Standing Committee, in a calendar month;
- (a) The Town Clerk may order unbudgeted goods and services for the repair or maintenance of the Council's property, without reference to the Council or the appropriate Committee, provided that the sum involved does not exceed £5,000
 - (b) The Town Clerk may approve budgeted expenditure of sums not exceeding £10,000.
 - (c) Any other items of budgeted expenditure will require the approval of the Council. In this case the Town Clerk will obtain 3 quotations for the work or item required and recommend to the Council the quotation that should be accepted.
 - (d) The Town Clerk may incur expenditure on behalf of the Town Council that is necessary to carry out any repair or replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £ 10,000. The Town Clerk shall report the action to the Council as soon as practicable thereafter.

36. Expenditure

- 36.1. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations. The Council's financial regulations shall be reviewed periodically.

37. Sealing of documents

- 37.1. A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- 37.2. The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Proper Officer in the presence of members and be signed by the Proper Officer.

38. Accounts and financial statements

- 38.1. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed periodically.
- 38.2. The RFO shall supply financial statements to Council and Committees showing the Council's expenditure and income compared against the budget for the financial year periodically at their programmed meetings, normally quarterly. The Statement of Accounts, which is not subject to audit, shall be presented to Council for formal approval before 30 June, in line with the Accounts and Audit (England) Regulations 2011.

39. Estimates

- 39.1. The Council shall approve written estimates for the coming financial year no later than at its meeting in the month of February.
- 39.2. Each committee desiring to incur expenditure shall provide written financial estimates to the Corporate Policy and Finance Committee in respect of both revenue services and capital projects for the coming year no later than December.
- 39.3. Detailed estimates of income and expenditure on revenue services and receipts and payments on capital account shall be prepared each year by the Responsible Financial Officer.
- 39.4. The Corporate Policy and Finance Committee shall review the estimates and submit them to Council not later than the end of January in each year.

40. Financial matters and standing order on contracts

- 40.1. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- (a) the accounting records and system of internal control;
 - (b) the assessment and management of financial risks raised by the Council;
 - (c) Internal Audit and receipt of regular reports from the Internal Auditor, which shall be required annually;
 - (d) the inspection and copying by councillors and local electors of accounts and

/or orders of payment;

- (e) procurement policies (subject to standing orders 44-48 below) including the setting of values for different procedures according to the value of purchases.

41. Contracts to comply with standing orders

- 41.1. Every contract made by the Council or by a committee or officer acting on its behalf shall comply with the EU Treaty and with any relevant Directives of the EU for the time being in force in the United Kingdom and, except as hereinafter provided, these Standing Orders. These Standing Orders apply only to contracts for the supply of goods or materials, or the execution of works and, in particular, shall not apply to contracts for services or of employment, nor to any contract for the sale or purchase of any right in or over land or premises nor to any other agreement, licence or wayleave relating to land or premises.
- 41.2. It shall be a condition of any contract between the Council and any person (not being an officer of the Council) who is required to supervise a contract on their behalf or nominate there under a sub-contractor or supplier that, in relation to such contract or nomination, he/she shall comply with the requirements of these Standing Orders as if he/she were an officer of the Council. In these Standing Orders, any reference to an officer of the Council shall be deemed to include a reference to any such person as aforesaid
- 41.3. Exemption from any of the following provisions of these Standing Orders may be made by direction of the Council or a committee within whose terms of reference the subject matter of the contract falls where the Council or committee is satisfied that the exemption is justified in special circumstances.

42. Exemptions

- 42.1. Every exemption made by a committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the circumstances by which the exemption shall have been justified.
- 42.2. (b) Express note of any exemption from any of the provisions of these Standing Orders and of the emergency, if any, by which the exemption shall have been justified shall, unless recorded in the report of a committee which is laid before the Council, be made in the minutes of the Council meeting.
- 42.3. (c) Before any contract for the supply of goods and materials, execution of works, or any provision as to the maintenance or servicing thereof is made, the Town Clerk shall ensure that the estimated cost of said supply or works has been included in the annual budget of the Council under the appropriate heading.
- 42.4. (d) Any proposed contract for the supply of goods and materials, execution of works or any provision as to the maintenance or servicing thereof which has not been included in the annual budget shall be the subject of a separate report to the appropriate committee or the Council. If approved, normal tender procedures will apply.

43. Financial variations

- 43.1. All financial figures contained within these Standing Orders are agreed as at

the date of the resolution by Council. They are henceforward to be increased as and when appropriate following review by a Corporate Policy and Finance Committee and approval by Council.

44. Tendering procedures

44.1. Where the estimated cost of works, goods and materials and related services is as set out below and the requisite provision thereof has been made in the Council's previously approved budget, the arrangements for the invitation of tenders or quotations and the subsequent acceptance thereof shall be as shown.

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
Up to £10,000	Best Value practices, in line with Procurement Strategy	Town Clerk
£10,000 to £25,000	Minimum of three invitations for quotations	Town Clerk
£25,000 to £50,000	Minimum of four invitations to tender and government contract finder portal.	Chair and Vice Chair of appropriate committee and Town Clerk
<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
Above £50,000	Minimum of five invitations to tender and government contract finder portal.	Chair and Vice Chair of appropriate committee and Town Clerk

The Value is the total cost of the project / works over the length of the agreement.

In all cases up to £25,000 where the lowest tender received is in excess of 5% above the original estimate, or in cases over £25,000 where it is in excess of the original estimate, it shall be reported to the appropriate committee for acceptance or otherwise.

(b) Tenders to be invited by public advertisement

Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £100,000 shall be procured on the basis of a formal tender as summarised below. Provided that it shall not be obligatory for the Council or any committee exercising powers delegated by the Council to invite tenders for a contract or materials where effective competition is prevented by Government control or where the Town Clerk reports in writing to the Council or to the Committee exercising such powers that effective competition is prevented by the special nature of the goods or materials required. Nor shall it be necessary to give public notice of the intention to enter into such a contract.

(c) Exceptions to procedures to be referred to Council

The Order shall not apply to:-

- (i) purchase by auction;
- (ii) purchase or repair of patented or proprietary goods or materials sold at fixed price;
- (iii) purchase of materials normally supplied by specialist contractors;
- (iv) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;
- (v) the execution of work or the purchase of goods or materials which are a matter of urgency after prior reference to the appropriate committee chair;
- (vi) the purchase of goods or materials which the Town Clerk may from time to time deem it expedient to make in the open market provided that before making any such purchase the approval of the chairman of the appropriate committee concerned is obtained and finance is available in the appropriate budget.
- (vii) contracts with professional persons or companies for the execution of work and for advice in which the personal skills of the person or company is of primary importance, and
- (viii) those contracts where a committee may expressly determine that it is in the Council's interests that a tender be negotiated directly with a contractor or supplier of goods or services.

(d) Requirements for Submission of Tenders

Any formal tender process shall comprise the following steps:

- (i) a public notice of intention to place a contract to be placed in a local newspaper;
- (ii) a specification of the goods, materials, services and the execution of works shall be drawn up;
- (iii) tenders are to be sent, in a plain sealed envelope, marked "Tender" to the Proper Officer by a stated date and time;
- (i) tenders submitted are to be opened, after the stated closing date and time, in line with Standing Order 44

(e) Declarations as to conduct of Tenderer

In connection with the submission of tenders for the execution of works or supply of goods and materials, declaration shall be obtained from each tenderer in the following form:

"We declare that we are not parties to any scheme or arrangement under which:

- (i) *we communicate the amount of our tender to any other person or body before the contract is let;*

- (ii) *any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs, and*
- (iii) *our tender prices are adjusted by reference directly or indirectly to the prices of any other tenderer for the works.*

No provision is made in our tender price for any reimbursement of any adjustment of any contribution thereto."

(f) Procedure for opening tenders

Tenders shall be opened by the Town Clerk or an official of the Council designated by him/her at one time only in the presence of such member or members of the Council as may have been designated for the purpose by the Council or by the committee or sub-committee to which the power of making the contract to which the tenders relate has been delegated. Where tenders have been opened in pursuance of this paragraph they shall be recorded and reported to the next meeting of the appropriate committee.

(g) Limitations of acceptance of tenders

A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted until the Council shall have considered a written report from the appropriate Officer.

45. Contracts for supplies and services etc. Exceeding £25,000

45.1. Every contract which exceeds £25,000 in value or amount shall be in writing and in a form prescribed or approved by the Council's legal adviser and signed by the Town Clerk on behalf of the Council.

46. Contracts for supplies, services or works

46.1. Every contract for which provision has been made in the approved annual estimates and/or approved by the appropriate committee of the Council pursuant to Standing Orders and being in value of an amount less than £30,000 shall be entered into on behalf of the Council by the Town Clerk or authorised officer by the issuing of an official order only.

47. Contents of written contracts and penalties

47.1. Every written contract shall specify:-

- (i) the work, materials, matters or things to be furnished, had or done;
- (ii) the price to be paid with a statement of discounts or other deductions, and
- (iii) the time or times within which the contract is to be performed.
- (iv) whether the contractor carries a quality accreditation and / or is approved by and will carry out work to the standard laid down by an appropriate national organisation such as the Gas Safe Register or National Inspection Council for Electrical Installation Contractors (NICEIC) and that such work will be covered by guarantees issued by these bodies.

- (v) every written contract should specify the penalty.

48. Corrupt practices

48.1. There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if in relation to the contract or in relation to any other contract with the Council:

- (i) The contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the favour or disfavour to any person;
- (ii) The contractor or any person employed by him/her or acting on his/her behalf
 - (a) shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916; or
 - (b) shall have given any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

49. Canvassing of the recommendations by members

49.1. Canvassing of members or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the meaning of this sub-paragraph of this Standing Order to every candidate.

49.2. A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

50. Relations with the press/media

50.1. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media

51. Restrictions on councillors activities

51.1. Unless authorised by a resolution, no councillor shall:

- a. inspect any land and/or premises which the Council has a right or duty to inspect; or
- b. issue orders, instructions or directions.

52. Inspection of documents

52.1. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

52.2. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

52.3. The minutes of open Council shall be open to inspection by any local government elector without charge.

53. Admission of the public and press to meetings

53.1. The public and the press shall be admitted to all meetings of the Council and its Committees. They shall only be excluded by resolution if publicity would prejudice the public interest by reason of the confidential nature of the business or some other reason stated in the resolution. To retain the openness of the meetings to the public, the descriptions of exempt information be in accordance with the Public bodies (Admissions to Meetings) Act 1960, as amended by the Local Government Act 1972 and shall be used as the definitions for exempt information.

(Business of a confidential nature would include, but not be limited to:-

- (a) all matters relating to employees or consultants of the Council;
- (b) contractual negotiations;
- (c) legal proceedings;
- (d) the early stages of any dispute.)

53.2. The Town Clerk shall afford to any member of the public and press reasonable facilities for the reporting by photograph, video, audio-recording, social media or written report of any proceedings at which they are entitled to be present. This shall be in a duly allocated space for this purpose at any meeting room used for a public meeting.

53.3. If a member of the public interrupts the proceedings at a meeting or the use of photographic, video or recording equipment or other devices disrupt the meeting, then the Chair may, after warning, order that the member of the public be removed from the place of the meeting or order that the meeting be cleared of members of the public as necessary.

54. Confidential business

54.1. No member of the Council or of any Committee, Sub-Committee or Working Party shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the Committee, Sub-Committee or Working Party as the case may be, subject to the Code of Conduct on this matter.

54.2. Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee, Sub-Committee or Working Party of the Council by the Council.

55. Liaison with county and district councillors

55.1. A notice of Council meetings shall be sent together with an invitation to attend to the County Councillors and to the District Councillors elected in the Harpenden wards.

55.2. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

56. Planning applications

56.1. The Town Clerk shall refer all planning applications received from the District Council to the Planning Committees.

57. Variation, revocation and suspension of standing orders

57.1. Any or every part of the Standing Orders except those placed there by statute, regulation or order may be waived or suspended by resolution in relation to any specific item of business.

57.2. A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

58. Standing orders to be given to members

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- c. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

59. Requests for information

- a. Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Corporate Policy and Finance committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

60. Urgent action

60.1 Where an urgent decision is required and it is not possible to call a meeting under these standing orders, the Town Clerk is authorised to make that decision having consulted the respective Chair of the Council or appropriate Committee. Any urgent actions shall be reported to the next meeting of Council or the appropriate Committee.

61. Persistent absence

61.1. A member who fails throughout six consecutive months to attend any meetings of the Council, or of its committees of which he/she is a member shall cease automatically to be a Member of the Council, unless he/she has a statutory excuse or his/her failure is due to a reason approved by the Council or he/she attended a meeting as a representative of the Council. The period shall begin with the last meeting attended.

62. Revocation of previous standing orders

62.1. The Standing Orders previously adopted by the Council are hereby revoked.